



27 DEC 2007

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In re Application of	:	
Flohr et al.	:	
Application No.: 10/586,816	:	DECISION
PCT No.: PCT/EP05/50105	:	
Int. Filing Date: 12 January 2005	:	ON
Priority Date: 20 January 2004	:	
Attorney Docket No.: 1033275-000487	:	PETITION
For: Premixing Burner Arrangement For	:	
Operating A Combustion Chamber	:	
And Method For Operating A Com...	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 26 November 2007.

DISCUSSION

In a Decision mailed on 28 September 2007, the petition under 37 CFR 1.47(a) filed on 04 April 2007 was dismissed without prejudice because

Regarding **requirement (2)**,... review of the "Declaration... of Anett Fabian" accompanying the petition states in part that on "November 23, 2003, I had a telephone conversation with Mr. Paschereit. During our conversation, Mr. Paschereit stated to me that he would refuse to sign any kind of papers for any kind of application in the future." However, it does not appear that Dr. Paschereit made this refusal after having received an oath or declaration document for execution and a complete copy of the instant application papers. In this regard, petitioner presents a "Declaration... of Yvonne Egger" stating that a letter was sent to Dr. Paschereit on 27 July 2006. Though Ms. Egger states that "a complete copy of the above-identified application, Declaration and Assignment" accompanied the 27 July 2006 letter, petitioner has not provided an English translation of this letter. As such, it has not been established within the meaning of 37 CFR 1.47(a) that Dr. Paschereit has "refused" to execute the instant application.

Regarding **requirement (4)**, the declaration of inventorship accompanying the instant petition is not acceptable because it does not properly identify the application to which it is directed (e.g., by application number). As such, requirement (4) has not been satisfied.

In response, petitioner has provided a declaration of Yvonne Egger indicating that a copy of the application papers and a declaration were sent to Dr. Paschereit's last known address on 27 July 2006, and has provided a copy and English translation of the letter in question. Based on the totality of the evidence currently of record (also including the declaration signed by Anett Fabian describing an earlier, general statement of refusal by Dr. Paschereit), it would be appropriate to conclude that requirement (2) has been satisfied.

Regarding **requirement (4)**, the petition is accompanied by a declaration signed by co-inventor Peter Flohr on behalf of himself and Dr. Paschereit. This declaration satisfies requirement (4).

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The \$130.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 02-4800, per the authorization in the petition.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **26 November 2007**.



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